

INTERNATIONAL HUMANITARIAN LAW AND A REALISTIC APPROACH TO UNDERSTANDING THE RIGHTS AND PRIVILEGES OF VOLUNTEERS UNDER THE TECHNICAL AID CORPS IN NIGERIA

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Abstract

Despite working in challenging conditions, Nigerian Technical Aid Corps (TAC) volunteers do not have a firm awareness of their rights and privileges. The humanitarian group has provided aid to victims of armed conflicts, including refugees, internally displaced people, prisoners of war, and victims of other violent incidents such as natural disasters, flooding, earthquakes, typhoons, hurricanes, and fire outbreaks, to mention but a few. Humanitarian organisations play unmatched roles in providing aid to those in need during armed crises. In light of the aforementioned, this article offers insight into the distinctive function played by TAC, especially in light of the increase in violent incidents and internal crises as well as the escalating complexity of the requirements of the impacted communities.

Keywords: *International Humanitarian Law, Technical Aid Corps, Rights and Privileges, Volunteers.*

General Overview of International Humanitarian Law

International humanitarian law, also known as the law of armed conflicts or the law of war, is a body of laws, rules, regulations, and accepted norms and practices by which different nations throughout the world interact with each other as well as with their citizens and citizens of other countries. It is the body of law that primarily regulates the interactions, mutual co-existence, and inter-relationships between and among independent states¹. Thus, sovereign states are the primary objects of international law. Even though international law is primarily concerned with states only, nevertheless, individuals who have attained international personalities and state entities, including the World Health Organisation (WHO) and the United Nations Educational,

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¹Henderson, Conway W. (2010). Understanding International Law. Wiley. p. 5. ISBN 978-1-4051-9764-9.

Scientific and Cultural Organisation (UNESCO), among others, are also the objects of international law.²

Generally speaking, there are two basic categories of international law, vis-à-vis, public international law and private international law. Public international law concerns itself with the question of rights and obligations between several states and between the citizens or subjects of other states. The law regulates the conduct of individuals in a particular state concerning the operations of the law affecting other individuals in other states without necessarily involving the government of any state. Under this law, the international legal system is decentralized and based essentially on consensus through agreements that are freely entered into by states when the states follow certain practices generally and consistently due to the legal obligation on their part. On the other hand, private international law (Conflict of Laws) is a species of a state's law that deals with the civil or human rights issues of the individual concerned, not only between a government and its citizens but also on how its citizens are treated by other States.

It should be stressed, however, that in recent years, the line between public and private international law has become increasingly uncertain. This is so because issues under private international law may also implicate or provoke issues of public international law. It can also be stated that many matters which are of concern to private international law are also of substantial significance for public international law, that is, the comity of nations. Any attempt, therefore, to distinguish between the two bodies of laws places each into a watertight compartment because the two overlap.

Sources of International Law

Paragraph 1 of Article 38 of the Statute of the International Court of Justice³ is the material source of international law. It is the *font etorigo* of international law. In other words, the paragraph is the fountain of origin, the authority as well as the very foundation of international

² Malcolm, S. "Britannica" Available online at: <https://www.britannica.com/topic/international-law/States-in-international-law>. Accessed 10th January, 2024.

³ The Statute of the International Court of Justice is a document of the United Nations and it forms an integral part of the Charter of the United Nations signed on 26 June 1945, in San Francisco, New York after the United Nations Conference on International Organization, and came into force on 24 October 1945. See the Introductory Note and the full text of the Charter issued from the Office of Public Information, DPL'5 11 — 175 (2-80) United Nations, New York.

law from which an international lawyer can determine the rule applicable to a given situation. The thrust of Article 38 Paragraph 1 as a source of international law is as follows:

- I. international treaties or conventions;
- ii. International customary law;
- iii. General principles of law recognized by civilised nations; and
- iv. Judicial decisions and juristic opinion “as subsidiary means for the determination of rules of law.”

It is necessary to note that the first three sources of international law listed above are the international principal law-creating sources or processes while the fourth source of law is the law-determining source or agency or, in the words of Article 38, the ‘means for the determination of rules of law.’⁴ The law-determining agencies are judicial institutions and opinions of the most highly qualified publicists of the various nations as subsidiary means.⁵

Clarification of Terms

a. Rights

The idea of rights is of historical antiquity. It is not a new morality (or law) that is just developing in contemporary society. Rights exist as a higher law than the legal system or any positive law in any society. In human existence, the concept appeared at different times, places, and long before the advent of the political system that produced the law-making institutions as we have them today. Sophocles⁶ had his name associated with the natural rights of man. Poets, philosophers, and Politicians postulated the rights of man as normative ethical ideas.⁷ Hammurabi⁸ enumerated the rights of a human.

⁴ The International Court of Justice to which states can refer disputes for settlement is the major law- law-determining agency. States must, however, agree to submit to the jurisdiction of the Court. States cannot be compelled to do so.

⁵ See Article 38 Paragraph (1) (d) of the Statute of the International Court of Justice.

⁶ This philosopher lived between C496 —406 BC, through the ages of Athenian civilisation.

⁷ The rights of man as an expression of political philosophy may be traceable to the writings of early natural law theorists such as Hugo Grotius, Thomas Paine, Thomas Hobbes, Jean Jacques Rousseau, William Kant, John Locke, A. V. Dicey and Baron de Montesquieu.

⁸Hammurabi was the Babylonian King that had the ancient Code of 1188.

In the course of time and space, man struggled to proclaim the idea of his right.⁹ The result has greatly culminated in the attainment of individual rights and independence of the major civilizations of the world.¹⁰ Also, the ideological struggle influences the legal development of certain nations.¹¹ What is more, the Universal Declaration of Human Rights¹² which was proclaimed to the whole world has internationalized the concept of rights, in that, many nations of the world have had to adopt the full text of the Declaration in their national constitutions.

For this paper, the word ‘right’ is a noun that comes from the Latin word ‘*recto*’, that is, ‘*correct, straight and moral*’. Right is that which is not crooked and something of which no one may be deprived without a great affront to justice. Right entails some freedoms that should never be invaded; and some supremely sacred things. In law, a right is a just claim that is due to a person by way of a legal guarantee. In other words, it is that which the law directs, approves, or supports. That to which a person has a just or lawful claim; an interest which will be recognized and protected by a rule of law, respect for which is a legal duty, violation of which is a legal wrong.¹³

A judicial definition of right was given in the case of *Afolayan v Ogunride & Others*¹⁴ where it was held that a right is an interest recognized and protected by the law. In the case of *Uwafu v A. G. Bendel State & Others*¹⁵, the Supreme Court of Nigeria held that a legal right is any advantage or benefit conferred upon a person by a rule of law. In *Nwankwo & Others v Onuwa &*

⁹In January 1776, Thomas Paine wrote a pamphlet called ‘Common Sense’, which supported democracy and independence. Several hundred thousand copies of the pamphlet were sold in the Colonies, and the idea of independence caught fire among the Americans. On July 4, 1776, the Declaration of Independence was adopted by the Continental Congress. The Declaration was written by Thomas Jefferson with the help of Benjamin Franklin and John Adams. Mostly, the document was a list of how the King had denied Americans their rights.

¹⁰As a matter of fact, between the 18th and 19th centuries, increased modern awareness of rights was witnessed in continental Europe and America culminating in the United States of America Declaration of Independence of July 4, 1776, and the French Revolution of 1789. The United States of America and France set the tone by adopting bills of rights embodied in their national constitutions.

¹¹In England alone, there was the Magna Carta 1215, the Bill of Settlement 1617, the Habeas Corpus 1679, the Bill of Rights 1689, etc. Another Declaration was the American Bill of Rights of 1791.

¹²The Universal Declaration of Human Rights as set forth by the United Nations General Assembly on 10 December 1948, has thirty Articles. See full text of the Declaration issued from the Department of Public Information, DP1J876—409 11-November 1988- 100M.

¹³See L. B. Curzon, A Dictionary of Law, 1st Edition, 1979, MacDonald & Evans Ltd., p.299.

¹⁴(1990) 1 NWLR (pt 127) 369 at 391.

¹⁵(1982) 7 SC 124 at 273

*Another*¹⁶, it was held that the word 'right' means an interest or title in an object or benefit conferred upon a person by a rule of law. Justice Oputa¹⁷ defined a right as follows:

A right in its most general sense is either the liberty (protected by law) of acting or abstaining from acting in a certain manner or the power (enforced by law) of compelling a specific person to do or abstain from doing a particular thing. A legal right is thus the capacity residing in a man of control, with the assent and assistance of the state, the action of others. It follows then that every right involves a person invested with the right, or the person entitled, a person or persons on whom that right imposes a correlative duty or obligation; an act of forbearance which is the subject matter of the right; and in some cases an object, that is a person or thing to which the right has reference, as in the case of ownership. A right therefore is in general, a well-founded claim, and when a given claim is recognised by the civil law, it becomes an acknowledged claim or legal right enforceable by the power of the state.¹⁸

There are different types of rights, relating to animate or inanimate objects. Some of these rights are: (1) Absolute and unqualified rights, these are rights that belong to every human being such as the right to personal liberty and the right to life. An unqualified right is a right that cannot be denied or waived except under specific conditions. For instance, a plaintiff has an absolute right to a voluntary non-suit case before it is finally submitted. That is, a plaintiff has a voluntary dismissal of a case without a decision on the merits. After final submission, the court has the discretion to grant or deny a voluntary non-suit; (2) Right of entry, which means the right of taking or resuming possession of land or other real property in a peaceable manner such as the

¹⁶(1994) 5 NWLR (pt 343) 191 at 204.

¹⁷Justice Chukwudifu Oputa is a renowned Nigerian human rights justice of the Supreme Court of Nigeria. But, he is now retired from the Supreme Court of Nigeria.

¹⁸See Hon. C. A. Oputa, *Human Rights in the Political and Legal Culture of Nigeria*, 1989, the Nigerian Law Publications, Lagos at p. 38.

landlord's right to enter a tenant's property to make repairs; (3) Right of survivorship, which means in land law joint tenant's right to succeed the whole estate upon the death of the other joint tenant; and (4) Human rights which the United Nations takes cognisance of under the Universal Declaration of Human Right, 1948.

The entire gamut of Chapter IV of the Constitution of the Federal Republic of Nigeria (Promulgation) Act, 1999¹⁹, is devoted to fundamental rights which are inherent in man without which he cannot function as a human being. Under the Chapter, the rights span through Sections 33 and 46. For ease of reference, below are the rights and their corresponding sections:

- i. Section 33 - Right to life
- ii. Section 34 - Right to dignity of the human person
- iii. Section 35 - Right to personal liberty
- iv. Section 36 - Right to a fair hearing
- v. Section 37 - Right to private and family life
- vi. Section 38 - Right to freedom of thought, conscience, and religion
- vii. Section 39 - Right to freedom of expression and the press
- viii. Section 40 - Right to peaceful assembly and association
- ix. Section 41 - Right to freedom of movement
- x. Section 42 - Right to freedom from discrimination
- xi. Section 43 - Right to acquire and own immovable property anywhere in Nigeria
- xii. Section 44 - Right to compensation for property acquired compulsorily
- xiii. Section 45 - Restriction on and derogation from fundamental rights
- xiv. Section 46 - Special jurisdiction of High Court and Legal Aid

These rights are fundamental because they are entrenched in the Constitution and are recognised as protectors of civil liberties in Nigeria. However, fundamental rights and human rights mean the same thing and can be used interchangeably. To protect the rights and freedoms of other persons, however, limitations may be placed on the enjoyment of the fundamental rights. Of course, no right is enjoyed in absolute terms anywhere in the world. Some rights are limited to citizens of Nigeria such as the right to freedom from discrimination based on ethnicity, sex

¹⁹See the Laws of the Federation of Nigeria, No. 24, Cap C23, 2004.

religion, and political opinion, whilst others apply both to Nigerian citizens and foreigners such as the right to life and the right to dignity of the human person.

b. Privilege

The term 'privilege' had its origin in the Latin word, '*privilegium*'.²⁰ The Oxford Dictionary of Current English²¹ defines privilege as a special right or advantage for a particular person or group.²² Based on the definition of a right and the various types of rights, it can be inferred that a distinction between a right and a privilege would entail that a privilege is an exceptional right, immunity, or exemption belonging to a person by his status or office, for example, the immunity from arrest accorded to diplomats, Members of Parliament or House of Representatives.

In defamation, a defamatory statement is privileged in the course of judicial proceedings even though it may have been made with malice, and thus no action will succeed if brought against the person who made the defamatory statement. Again, in the law of evidence, the following matters are protected from disclosure on the ground of privilege-professional confidence which exists between a barrister and his client and matrimonial communication in criminal proceedings.

c. Volunteer

The term 'volunteer' is of French origin. It is derived from *voluntary*, i.e. 'voluntary'. When the word is used loosely and as a noun, it means a person who freely offers to do something or a person who works freely for an organization without being paid.²³ This refers to a person or someone who gives his/her services without any express or implied promise of remuneration.

²⁰ Among others, privilege means an exceptional law made in favour of or against an individual. In other words, it is the 'law affecting an individual'. Also, it is a right, advantage, favour or immunity granted to some person, group of persons or class, not enjoyed by others and sometimes detrimental to them. See the

²¹ See the 3rd Edition, 2001, Oxford University Press at p. 713.

²² Vinod K. Agarwal defines privilege as a benefit conferred on a person, company or class; it is also an exception from some burden. See 'A Dictionary of Legal Terms with Indian Equivalents', 1979, Jaime Publications, Bombay, India, at p. 114. L. B. Curzon defines privilege as a special right or immunity conferred on some person or body or a rule of evidence justifying a witness's refusal to produce a document or to answer a question. See, A Dictionary of Law, 1st Edition, 1979, MacDonald & Evans Ltd., p.267.

²³ We have some voluntary organisations in the world such as the Boys' Scout, the Girls' Guide, the Boys' Brigade, the Red Cross, Amnesty International, etc. Membership of any of these organisations is free and the services rendered are also free without any monetary considerations. But, rewards can be offered for a job well done and salaries paid to supporting or administrative staff.

Other Concepts that Resemble Volunteer

(i) Aliens

These categories of persons are severally known as foreigners, non-nationals, and non-citizens. They are different from volunteers. At common law, a distinction is drawn between friendly and enemy aliens. Enemy aliens comprise not only citizens of hostile states but also all other aliens voluntarily living in enemy territory or carrying on business within that territory. This brings to the fore the sharp and conventional differentiation between legal and illegal aliens.²⁴

An alien is a person who resides within the borders of a country in which he is not a citizen or a subject. He does not owe any allegiance to the particular country if he has not naturalised as its national.²⁵ Aliens are to be treated in the same way as nationals of the state concerned when it comes to the safeguarding and enforcement of human rights. However, an alien is normally subject to certain civil disabilities such as disenfranchisement from voting or being voted for; and also ban from employment in certain areas, for example, the diplomatic corps. But an alien remains a subject of the local law within the country in which he or she resides.

A state may legitimately refuse to admit aliens or may accept them subject to the fulfillment of certain conditions. A state must give convincing reasons for expelling an alien.²⁶ In addition, when the occasion demands, the reasons for the expulsion must be stated before an international tribunal.²⁷ However, many municipal systems provide that the authorities of a country may

²⁴ibid

²⁵ibid

²⁶There are international and national conventions or instruments which provide for reasons to be given upon expulsion. For example, Article 13 of the International Covenant on Civil and Political Rights states that a lawful alien in the territory of a State Party to the Convention may be expelled therefrom only in pursuance of a decision reached accordingly with the law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by and be represented for a purpose before a competent authority. The Constitution of the Federal Republic of Nigeria, 1999, states categorically that the President may deprive a person, other than a person who is a citizen of Nigeria by birth or by registration, of his citizenship if he is satisfied that such a person has within a period of 7 years after being naturalised been sentenced to imprisonment for a term of not less than 3 years. See Chapter III, Section 30 of the Nigerian Constitution which relates to deprivation of citizenship.

²⁷Consular offices and consuls were introduced. A consul is a state official living in a foreign city and protecting the state's citizens and its business interests. A consul is less, inferior and subordinate to an ambassador or a diplomat. Another nomenclature is the envoy who is a messenger or an agent sent by a government to transact diplomatic business in a foreign country. An envoy too ranks below an ambassador. It should be noted that consuls and envoys, like diplomats, represent their States, but, unlike diplomats, they are not concerned with the political relations between the two States. They perform a wide range of non-political functions such as issuing passports

deport aliens without reasons having to be stated.²⁸ The position under customary international law is, therefore, not clear but somewhat confusing.

(ii) Diplomats

The diplomatic staff represent the interests of their states in various ways.²⁹ Traditionally, diplomatic relations have been conducted through the means of ambassadors and their staff who benefits from the legal principles of immunity from jurisdiction and state sovereignty while residing in the host State.³⁰ But with the growth and development of trade and commercial intercourse, ambassadorial functions became expanded while other related offices were established.³¹

Article 3 of the Vienna Convention³² lists the functions of a diplomatic mission thus:

- (a) Representing the sending State in the receiving State;
- (b) Protecting the interest of the sending State (and of its nationals) in the receiving State within the limits permitted by international law;
- (c) Negotiating with the Government of the receiving State;
- (d) Ascertaining by all lawful means conditions and 3 developments in the receiving State and reporting same to the Government of the sending State; and
- (e) Promoting and developing economic, cultural, and scientific friendly relations between the sending State and the receiving State.

The Convention outlines the rules of diplomatic law, codifies both the existing laws and establishes others. Questions not expressly regulated by the Convention continue to be governed by rules of customary international law. By Article 2 of the Convention, there are no rights as

and visas, looking after the shipping and commercial interests of their States, etc. See Michael Akehurst, *A Modern Introduction to International Law*, 3d Edition, 1977, George Allen & Unwin Ltd. At pp. 109-120.

²⁸This was the situation in Nigeria during the early 80's when there was a great influx of illegal Ghanaians in the country engaged in menial jobs thereby bastardizing the Nigerian economy.

²⁹We have military, political, legal, economic, cultural attaches, etc, representing the interest of the sending State in the receiving States concerning various issues and subjects.

³⁰It should be noted, however, that according to Article 38 (1) of the Vienna Convention, full immunity is not granted to all the staff of a diplomatic mission. The Article speaks of administrative and technical staff (e.g. clerical assistants, archivists and wireless technicians) and of service staff (e. g. drivers, receptionists, etc.). These two categories of subordinate staff have complete immunity from criminal jurisdiction, but their immunity from civil and administrative jurisdiction is limited to their official acts.

³¹ibid

³²The Vienna Convention on Diplomatic Relations adopted in 1961 came into force on April 24, 1964.

such under international law to diplomatic relations. The basis of diplomatic relations may be affected by other rules of international law which exist by the principle of mutual consent. Thus, if a state does not wish to enter into diplomatic relations, it is not legally compelled to do so.

(iii) The United Nations and its Agencies

Traditionally, the law of agency consists of a fiduciary relationship created by law in which one party (the agent) may act on behalf of another party (the principal) and bind that other party by words or actions.³³ Agency consists of any arrangement made by the principal that brings his agent into a contractual relationship with a third party, the agent having the authority to act.³⁴ This relationship, simply known as “Master and Servant” in the labour law carries with it a vicarious liability. Whether or not an agency relationship exists would depend largely on the true nature of the agreement and the circumstances of the relationship between the principal and the agent.

An agency can also arise for governmental bodies with authority to implement some particular legislation or carry out some tasks. For example, the ‘specialized agencies’ of the United Nations were established by inter-governmental agreements with wide international responsibilities for political, economic, social, cultural, and educational matters.³⁵ With the approval of the General Assembly, the Economic and Social Council also performs the daunting task of coordinating the works and activities of the specialised agencies of the United Nations.³⁶

³³Agency’ is a comprehensive word which is used to describe the relationship that arises where one man is appointed to act as the representative of another. An agency agreement is one by which the agent is authorised to establish privity of contract between his employer, called the principal, and a third party: Dowrick 17 MLR. and Reynolds 94 LQR 225. See Chesire and Fifoot, Law of Contract, 10th Ed., 1981, Butterworths, London, p. 421.

³⁴It is usually said that there are four types of authority: express, implied, ostensible (or apparent) and usual. Express authority needs no comment. Implied authority is authority to do all that is reasonably incidental to achieving what was expressly authorised, or authority by custom: in either case, it may be expressly negated or limited by the principal. Ostensible authority is a form of estoppel: if the principal by words or conduct indicates that a person has authority to act on his behalf, and the third party contracts with the agent on that basis, the principal is estopped from denying the agent’s authority even if in fact the agent was unauthorised. Usual authority applies only where there is an ‘undisclosed principal’. See H. G. Beale, et al, Contract: Cases and Materials, 1985, Butterworths, London, p. 680.

³⁵See Article 57 of the Charter of the United Nations which states that the specialised agencies shall be brought into relationship with the United Nations.

³⁶By virtue of Articles 62-66 of the United Nations Charter, the ECOSOC, a major organ of the United Nations, coordinates the activities of such agencies as the ILO, WHO, UNESCO, UNICEF, etc.

The Rights and Privileges of a Volunteer

It is clear from the foregoing that apart from the moral obligations on the part of an organisation toward volunteers generally, international law requires that certain basic rights and privileges should be provided for volunteers to enable them to live, operate, and perform their duties and functions effectively abroad in any country where they temporarily find themselves. The following is a long list of the minimum rights that a volunteer expects from an organisation or a government:

- Interview and employment on equal opportunities and anti-discriminatory law.
- Adequate insurance coverage.
- Assignment to suitable tasks concerning training and experience, both personal and professional, as well as personal interests.
- Statement of precise job descriptions, stating tasks, responsibilities, and roles.
- Clear indication of what his schedule is and to whom he reports.
- Offer suitable and regular ongoing training for the jobs assigned to enable him to update his knowledge to take on greater responsibility.
- Offer of a chance to be promoted or be transferred to new projects, or to other activities allowing him to acquire more varied experience.
- Treatment as full members of the Organization and consideration as colleagues rather than mere unpaid help.
- Offer of support for resources and structure.
- Offer regular feedback on his work and listen to what he has to say.
- Furnishing proper supervision by competent and patient individuals who have the time to offer advice and guidance.
- Furnish a healthy and safe environment suitable for the assigned task.
- Participation in planning and developing new projects and the encouragement to make suggestions with the assurance that his opinions will be respected.

- Show appropriate and tangible recognition of efforts (e.g., through offering new responsibilities, giving prizes or simply showing on a day-to-day basis that his work is appreciated and valued by the Organization).
- Information about the Organization's policies concerning certain benefits available to him, such as reimbursement for expenses incurred on behalf of the Organisation or any other information that may concern him.³⁷

A correlative of the rights and privileges that a volunteer enjoys from an organization or a government is comprised of the corresponding obligations toward an organization or a government.³⁸ Below are some of the obligations owed to such an organization or government:

- Openness and honesty about his motivations and goals.
- Understand what a job requires before accepting it.
- Carry out his tasks efficiently and honestly.
- Accept guidance and supervision from the person in charge of volunteers.
- Participate in any training offered by the Organization.
- Respect for confidentiality.
- Express to the Organisation's coordinator his satisfaction or dissatisfaction with the job assigned and suggest improvements or changes.
- Notify the coordinator as soon as possible if he is unable to attend a training session or carry out his assigned duties.

The American Peace Corps

The Peace Corps was initially established as an agency in the US Department of State³⁹ by President John Kennedy on March 1, 1961, when he signed the Executive Order 10924. The purpose of the Peace Corps is defined as providing:

³⁷International Bill of Human Rights . Available online at : [efaidnbmnnnibpajpcglefindmkaj/https://www.ohchr.org/sites/default/files/Documents/Publications/Compilation 1.1en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/Compilation1.1en.pdf). Accessed 5th, January, 2024.

³⁸ Ibid.

³⁹On March 1, 1961, President John Kennedy signed the Executive Order 10924 which established the Peace Corps as an agency in the U. S. Department of State. However, since December 29, 1981, the Peace Corps became an

... world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower.⁴⁰

The American Peace Corps has proved to be an effective means of providing services to other countries. It has provided more than 190,000 Peace Corps volunteers who have served in 139 host countries in such areas ranging from education on HIV/AIDS to information technology, teaching of languages, mathematics, and science.

United Nations and the Technical Aid Corps

The United Nations or the United Nations Organisation is an international organisation that officially came into existence on October 24, 1945, in San Francisco in the United States of America. It is regarded as the world government. Its purposes, as set out in Article 1 of the Charter of the United Nations, include the maintenance of international peace and security, the development of friendly relations among nations, and the cooperation in solving international problems of an economic, social, cultural, or humanitarian character.

The United Nations is made up of six main organs: - the Security Council, the General Assembly, the International Court of Justice, the Secretariat, the Economic and Social Council, and the Trusteeship Council. The Secretariat of the United Nations is in New York, United States of America.⁴¹

The Technical Aid Corps (TAC) is an establishment under the Nigerian Federal Ministry of Foreign Affairs. The sole obligation of the Technical Aid Corps is to provide development

independent agency in the United States by virtue of S. 250 1-1 of the Peace Corps Act. The information is available online at: www.peacecorps.gov/multimedialpdf/policieslmsl01.pdf. Accessed 12th, January, 2024

⁴⁰Ibid. Section 2501.

⁴¹United Nations. "Peace, Dignity, and Equality on a Healthy Planet". Available online at: <https://www.un.org/en/about-us/main-bodies>. Accessed 30th, December, 2023.

assistance mainly to the African, Caribbean, and Pacific countries as a practical demonstration of South-South cooperation.⁴²

Although, the Technical Aid Corps (TAC) serves a good purpose. It differs from the United Nations in its formation and its powers. The United Nations was formed after World War II to promote peace, security, and economic development. It came into existence after the collapse of the League of Nations, which had been started after World War I. Fifty-one member states ratified its Charter on October 24, 1945, in San Francisco. President Roosevelt first coined the term 'United Nations' during World War II at a meeting of twenty-six nations who pledged to continue fighting against the evil Axis. Today the United Nations has one hundred and ninety-one members. The governing body is the Security Council made up of five permanent members and ten members elected by the General Assembly for a two-year term. The headquarters of the United Nations are in New York City. There are five official languages: Arabic, Chinese, English, French, Russian, and Spanish.⁴³

On the other hand, the Technical Aid Corps (TAC) is a Scheme, which is of benefit to less endowed countries. The Nigerian government established TAC to assist needy African, Caribbean, and Pacific countries in areas of technical manpower. The legal framework for this Scheme is Decree No. 27 of 1993, which took effect in 1987.⁴⁴ The conception of TAC by the Babangida Administration in 1987 was motivated by and fashioned along the American Peace Corps, which was established in 1961 under the Peace Corps Acts.⁴⁵ The purposes of TAC, include:

- Assisting African, Caribbean, and Pacific (ACP) countries in meeting some of their assessed and perceived manpower needs in their respective countries;
- Sharing Nigeria's know-how and expertise with other African, Caribbean, and Pacific ACP countries;

⁴² "Directorate of Technical Aids Corps Ministry of Foreign Affairs". Available online at :<https://www.dtac.gov.ng/DTAC/dtac/aboutDTAC>. Accessed 30th. January, 2024.

⁴³"United Nations Peace, Dignity and equality on a Healthy Planet" *op.cit*

⁴⁴ Nigeria and African Development Agenda: The Technical Aid Corps (TAC) Initiative". 3(6) Journal of African Studies and Sustainable Development (2020). P.111.

⁴⁵*Ibid.*

- Facilitating meaningful contracts between the youth of Nigeria and those of the Recipient countries; and
- Promoting cooperation and understanding between Nigeria and all the other African, Caribbean, and Pacific countries.

The Responsibility of the Federal Government to the Volunteers

It is beyond polemics that our discussion so far has been on agreements as those agreements affect the rights and privileges of volunteers and other agencies in international law. After all, the crux of the issues under international law is hinged on agreements. In the same vein, we shall attempt to highlight the agreements between the parties about their rights and privileges under the Technical Aid Corps Scheme in Nigeria.⁴⁶ The first is the responsibility of the Federal Government to the volunteers which are;

- Payment of onshore and offshore allowances to the Volunteers.
- Payment of resettlement allowance.
- provision of return passages to Volunteers. Volunteers are however not entitled to baggage allowance.
- Limited fringe benefits such as leave grants.
- In the event of the death of a nuclear family member such as Parents, Spouse or offspring of a Volunteer, the Government shall be responsible for the passage of the Volunteer from his or her post to Nigeria and back, strictly subject to the prior approval of the Directorate. In line with the practice of the Directorate, it shall as of necessity be represented as the funeral of the deceased.⁴⁷

The Responsibilities of the Recipient Country to Volunteers.

The responsibilities are:

- Provision of reasonably furnished accommodation.
- Payment of utilities such as water, electricity and gas.
- Provision of free medical services.

⁴⁶ Directorate of Technical Aids Corps *op.cit.*

⁴⁷ Ibid

- Provision of transportation where applicable.
- The recipient country shall freely deploy each volunteer to any part of the country at his own expense. It is pertinent to note that the internal deployment of volunteers is the sole responsibility of the host State.
- The recipient country shall grant the volunteer exemption for payment of local income tax, bank savings, interests and other payments by the exchange control regulations in force in the recipient country; and such other payments and facilities as may, from time to time, be agreed upon by the Directorate and the recipient country. It shall accord to the volunteers "First arrived privileges" which grants exemption from all taxes imposed by raising of important of personal effect used of volunteer within (12) twelve months of their arrival or as it is applicable in a particular country. Personal effects may be defined as household goods and articles such as motor vehicles, air conditioners, refrigerators, washing machines and other electronic gadgets which must accompany the volunteers or be imported within twelve (12) months of arrival in their respective recipient countries.
- Local sales of such items shall however be made only with the former consent of the appropriate host authority and shall be liable to import duties if sold to a person not entitled to similar privilege.⁴⁸ A recipient country may offer employment to a volunteer on completion of his assignment, on such terms and conditions as may be agreed upon by them.⁴⁹

Conclusion

It is obvious from the preceding examination of the topic under discussion that the various agreements between the Government of the Federal Republic of Nigeria, the recipient country, and a volunteer are protected by the rules of the game and they enjoy the protection of international law. Because individuals are also subjects of international law, a volunteer under the Technical Aid Corps agreement, (like a legal alien or a foreigner, a diplomatic staff or a staff of the United Nations or its agencies) enjoys some rights and privileges in Nigeria and elsewhere outside the country where they are posted and are, therefore, protected by the law.

⁴⁸ Ibid.

⁴⁹ [www.efaidnbmnnnibpcjpcglclefindmkaj/https://placng.org/laws/nigeria/laws/N135.pdf](https://placng.org/laws/nigeria/laws/N135.pdf). Accessed 2nd March, 2024.

Interestingly, the number of contingent volunteers deployed by the Government of the Federal Republic of Nigeria to the African, Caribbean, and Pacific countries continues to rise. This goes to show that the purpose of the Scheme is being achieved.⁵⁰ The Nigerian Government should be commended for its efforts in sharing its expertise with other countries where those skills and expertise are needed. While the government of the Federation deserves greater accolades for her sense of largess and the progressive need to move forward, out of the third world status, and probably to attain the vision 2020 propagated by the Federal Government, the volunteers should be equally appreciated for their voluntarism.

For example, the United Nations imposed sanctions upon Libya saying that all states should significantly reduce the number and level of their staff at Libyan diplomatic missions and consular posts and restrict or control their movements within Libyan territory.⁵¹

⁵⁰For example, between 1987 and 2004, 1,677 Technical Aid Corps' volunteers were deployed to thirty-three countries.

⁵¹The sanction was imposed by the Security Council Resolution 748 of 1992.